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11 Attorneys for Plaintiff
12 Wok & Pan Ind., Inc.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 Wok & Pan Ind., Inc., a China
17 Corporation,

18 Plaintiff,

19 v.

20 Staples Incorporated, a
21 Massachusetts Corporation,

22 Defendant.

Case No. CV15-809

(1) COMPLAINT FOR
PATENT INFRINGEMENT
[35 U.S.C. § 271 *et seq.*]

(2) DEMAND FOR JURY TRIAL

1 For its Complaint against Defendant Staples Incorporated (“Staples”), Plaintiff
2 Wok & Pan Ind., Inc. (“Wok & Pan”), states the following:
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5 **I.**

6 **THE PARTIES**
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8 1. Wok & Pan is a China corporation with its principal place of business at
9 Tangja Village, Gonming Town, Bao’an Dist., Shenzhen City, Guangdong, China,
10 518132.
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13 2. Wok & Pan is informed and believes, and thereupon alleges, that
14 Defendant Staples Incorporated is an Massachusetts corporation with a principal place of
15 business at 500 Staples Drive, Framingham, Massachusetts 01702.
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18 3. Upon information and belief, Defendant has substantial contacts and
19 transacts substantial business, either directly or through its agents, on an ongoing basis
20 in this judicial district and elsewhere in the United States.
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23 4. Unless specifically stated otherwise, the acts complained of herein were
24 committed by, on behalf of, and/or for the benefit of Defendant.
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II.

NATURE OF THE ACTION

5. This is an action for patent infringement.

6. Wok & Pan is informed and believes, and thereupon alleges, that Defendant has been and is infringing, contributing to the infringement of, and/or actively inducing others to infringe claims of U.S. Patent No. 5,957,061 ("the '061 Patent"), and U.S. Patent No. 8,881,661 ("the '661 Patent," hereinafter collectively, "the Asserted Patents").

III.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has jurisdiction over Defendant because it has substantial contacts and conducts substantial business in the state of California, in this judicial district and has been infringing, contributing to the infringement of, and/or actively inducing others to infringe the Asserted Patents in this District and elsewhere.

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 (a) (b) and (c) and /or 1400 (b) because a substantial part of the events giving rise to Wok & Pan's

1 claims occurred in the Central District of California and because Defendant is subject to
2 personal jurisdiction in the Central District of California.
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4 5 **IV.**

6 **FACTUAL BACKGROUND**

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8 10. The Asserted Patents relate to technology used in foldable tables that
9 provide flexibility and portability. Wok & Pan is the owner of the Asserted Patents by
10 assignment from their inventors, Mei-Fei Chang and Ping-Cheng Tsai. Based on the
11 patented technology, Wok & Pan has designed, and developed products that it markets
12 and sells worldwide. Wok & Pan has relied on and invested in the patented technology
13 in order to grow its markets and its business, and has relied on the United States Patent
14 system to protect both the technology and the business that has resulted from its
15 investments.
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20 11. On September 28, 1999, U.S. Patent No 5,957,061 ("the '061 Patent")
21 titled "Banquet Table" issued to Mei-Fang Chang, providing a banquet table "including
22 a table surface, upper frames fixedly installed on the bottom side of the table surface,
23 and leg frames which are rotatably connected to the upper frames so as to allow the leg
24 frames to be folded inward and toward the bottom side of the table surface. The table
25 surface can also be formed by two sections for folding. The two-section banquet table
26 also includes a pair of hinges for connecting the upper frames on each table section. The
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1 hinges are designed to include two facing pressure resisting sections so that when the
2 table is extended, the pressure of the table is applied on the pressure resisting sections,
3 instead of the connecting pin shafts." A true and correct copy of the '061 patent is
4 attached as Exhibit "A" and incorporated herein by reference.
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8 12. On November 11, 2014, U.S. Patent No. 8,881,661 ("the '661 Patent")
9 titled "Foldable Table" issued to Ping-Cheng Tsai. This patent discloses a foldable table
10 that "includes a first tabletop panel, a second tabletop panel, and a reinforcing frame
11 which includes first through fourth reinforcing members mounted along longitudinal
12 sides of the first and second tabletop panels respectively, a first transverse member
13 transversely extended between outer end portions of the first and second reinforcing
14 members at the first tabletop panel, and a second transverse member transversely
15 extended between outer end portions of the third and fourth reinforcing members at the
16 second tabletop panel. Two ends of the first transverse member are affixed to the first
17 and second reinforcing members in a non-rotatably movable manner. Two ends of the
18 second transverse member are affixed to the third and fourth reinforcing members in a
19 non-rotatably movable manner. Therefore, the first and second transverse members
20 enhance the rigidity of the reinforcement frame to support two transverse sides of the
21 first and second tabletop panels respectively." A true and correct copy of the '661 Patent
22 is attached as Exhibit "B" and incorporated herein by reference.
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13. At all relevant times, the rights in the Asserted Patents have been owned by their inventors, and assigned to Wok & Pan.

V.

CLAIMS FOR RELIEF

COUNT 1

(Patent Infringement of U.S. Patent No 5,957,061 ('061 Patent))

Under 35 U.S.C. § 271 *et seq.*)

14. Wok & Pan incorporates by reference and realleges paragraphs 1 through 13 above as though fully restated here.

15. Wok & Pan is informed and believes that Defendant has infringed, contributory infringed and/or induced the infringement of the '061 Patent through its production and sale of products using the technology that is proprietary to Wok & Pan under the '061 Patent.

16. Wok & Pan is informed and believes that Defendant has provided infringing products to the market under various names including and other product names, including a product identified by item number 8315095. The aforementioned and any other infringing products may be referred to collectively as the “Accused Products.”

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3 17. Wok & Pan is informed and believes that Defendant makes the Accused
4 Products available through various marketing channels, including a distribution network
5 that conducts direct sales through its stores, and Internet sales.
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8 18. Wok & Pan believes that Defendant's acts of marketing the Accused
9 Products directly and in connection with customers and other parties constitute direct
10 and contributory and/or induced infringement of the '061 Patent. Wok & Pan believes
11 that Defendant has not only violated the proprietary rights of Wok & Pan, but has
12 encouraged and induced others to do so, through its marketing channels and sales
13 networks and the continued sale of the Accused Products through Defendant's direct and
14 third party marketing channels.
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19 19. Wok & Pan believes that Defendant Staples is liable for infringement by
20 designing the Accused Products in a manner that infringes Wok & Pan's proprietary
21 technology under the '061 Patent, and further liable for contributory and induced
22 infringement by encouraging others to market, sell and use the Accused Products.
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25 20. Wok & Pan is entitled to recover from Defendant the actual damages it has
26 sustained as a result of Defendant's wrongful acts as alleged herein, in an amount to be
27 proven at trial under 35 U.S.C. § 284.
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3 21. Wok & Pan is informed and believes and thereupon alleges that
4 Defendant's infringement has been and continues to be willful and deliberate, in
5 disregard for Wok & Pan's patent rights, and that Wok & Pan is thereby entitled to
6 increased damages up to three times the amount of actual damages and attorney's fees,
7 pursuant to 35 U.S.C. §§ 284 and 285.
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11 22. Defendant's continued infringement of the '061 Patent will continue to
12 damage Wok & Pan in a manner that is causing irreparable harm for which there is no
13 adequate remedy at law unless it is enjoined by this Court.
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16 23. Wok & Pan therefore is informed and believes and thereupon alleges that
17 Defendant has infringed and continue to infringe the claims of the '061 Patent, literally
18 or under the doctrine of equivalents by making, using, offering for sale and selling
19 (directly and through intermediaries or third parties) the Accused Products in this
20 District and elsewhere in the United States.
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24 24. Wok & Pan is informed and believes and thereupon alleges Defendant has
25 contributed and continue to contribute to the literal infringement and/or infringement
26 under the doctrine of equivalents of the claims of the '061 Patent, and have actively
27 induced and continue to actively induce others to infringe the claims of the '061 Patent,
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1 literally and under the doctrine of equivalents in this District and elsewhere in the United
2 States.
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5 **COUNT 2**

6 **(Patent Infringement of U.S. Patent No. 8,881,661 (the '661 Patent)**

7 **under 35 U.S.C. § 271 *et seq.*)**

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9 25. Wok & Pan incorporates by reference and realleges paragraphs 1 through
10 24 above as though fully restated here.
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13 26. Wok & Pan is informed and believes that Defendant has infringed,
14 contributory infringed and/or induced the infringement of the '661 Patent through its
15 production and sale of products using the technology that is proprietary to Wok & Pan
16 under the '661 Patent.
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20 27. Wok & Pan is informed and believes that Defendant has provided
21 infringing products to the market under various names including and other product
22 names, including a product identified by item number 8315095. The aforementioned
23 and any other infringing products may be referred to collectively as the “Accused
24 Products.”
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1 28. Wok & Pan is informed and believes that Defendant makes the Accused
2 Products available through various marketing channels, including distribution networks
3 that conduct direct sales through stores, and Internet sales.
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6 29. Wok & Pan believes that Defendant's acts of marketing the Accused
7 Products directly and in connection with customers and other parties constitute direct
8 and contributory and/or induced infringement of the Asserted Patent. Wok & Pan
9 believes that Defendant has not only violated the proprietary rights of Wok & Pan, but
10 has encouraged and induced others to do so, through its marketing channels and sales
11 networks and the continued sale of the Accused Products through Defendant's direct and
12 third party marketing channels.
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17 30. Wok & Pan believes that Defendant Staples is liable for infringement by
18 designing the Accused Products in a manner that infringes Wok & Pan's proprietary
19 technology under the '661 Patent, and further liable for contributory and induced
20 infringement by encouraging others to market, sell and use the Accused Products.
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24 31. Wok & Pan is entitled to recover from Defendant the actual damages it has
25 sustained as a result of Defendant's wrongful acts as alleged herein, in an amount to be
26 proven at trial under 35 U.S.C. § 284.
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1 32. Wok & Pan is informed and believes and thereupon alleges that
2 Defendant's infringement has been and continues to be willful and deliberate, in
3
4 disregard for Wok & Pan's patent rights, and that Wok & Pan is thereby entitled to
5 increased damages up to three times the amount of actual damages and attorney's fees,
6 pursuant to 35 U.S.C. §§ 284 and 285.
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9 33. Defendant's continued infringement of the '661 Patent will continue to
10 damage Wok & Pan in a manner that is causing irreparable harm for which there is no
11 adequate remedy at law unless it is enjoined by this Court.
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14 34. Wok & Pan therefore is informed and believes and thereupon alleges that
15 Defendant has infringed and continue to infringe the claims of the '661 Patent literally or
16 under the doctrine of equivalents by making, using, offering for sale and selling (directly
17 and through intermediaries or third parties) the Accused Products in this District and
18 elsewhere in the United States.
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22 35. Wok & Pan is informed and believes and thereupon alleges Defendant has
23 contributed and continue to contribute to the literal infringement and/or infringement
24 under the doctrine of equivalents of the claims of the '661 Patent, and has actively
25 induced and continue to actively induce others to infringe the claims of the '661 Patent,
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1 literally and under the doctrine of equivalents in this District and elsewhere in the United
2 States.
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VI.
PRAYER FOR RELIEF

WHEREFORE, Plaintiff Wok & Pan asks this Court to enter judgment in its favor against Defendant and grant the following relief:

A. An adjudication that Defendant has infringed and continues to infringe the Asserted Patents as alleged above;

B. An accounting of all damages sustained by Wok & Pan as a result of Defendant's acts of infringement of the Asserted Patents;

C. An award to Wok & Pan of actual damages adequate to compensate Wok & Pan for Defendant's acts of infringement, together with pre-judgment and post-judgment interest;

D. An award to Wok & Pan of enhanced damages, up to and including the trebling of Wok & Pan damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the Asserted Patents.

1 E. An award for Wok & Pan's cost of suit and reasonable attorneys' fees
2 pursuant to 35 U.S.C. 285 due to the exceptional nature of this case; or as otherwise
3 permitted by law.
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6 F. A grant of permanent injunction pursuant to 35 U.S.C. 283, enjoining
7 Defendant and each of its agents, servants employees, principals, officers, attorneys,
8 successors, assignees and all those in active concert with Defendant, including related
9 individuals and entities, customers, representatives, OEM's, dealers and distributors,
10 from further acts of (1) infringement, (2) contributory infringement, and (3) active
11 inducement to infringe with respect to the claims of the Asserted Patents, and;
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16 G. Any further relief that this Court deems just and proper.
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18 Dated: February 4, 2015

DAVID AND RAYMOND IP LAW FIRM

19
20 s/Tony W. Wong/
21 TONY W. WONG

A. JUSTIN LUM, Of Counsel

22 Attorneys for Plaintiff
23 Wok & Pan Ind., Inc.
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DEMAND FOR JURY TRIAL

Plaintiff Wok & Pan Ind., Inc. hereby demands a jury trial on all issues triable as of right to a jury. FED. R. CIV. P. 38(b).

Dated: February 4, 2015

DAVID AND RAYMOND IP LAW FIRM

s/Tony W. Wong/

TONY W. WONG

A. JUSTIN LUM, Of Counsel

Attorneys for Plaintiff

Wok & Pan Ind., Inc.